

**REMARKS**

After entering the above amendments, claims 3-10 and 19-25 will be pending. Reconsideration and allowance of the current application are requested in light of the above-marked amendments and the foregoing remarks.

**Summary of Rejections.** The Office has rejected claim 2 under 35 U.S.C. §112, second paragraph as allegedly failing to clearly and distinctly recite what the inventor considers to be the invention; claims 1-3, 6, 7, 9, and 10 under 35 U.S.C. §103(a) as allegedly being unpatentably obvious over “Native Data Representation: an Efficient Wire Format for High Performance Computing by Eisenhower *et al.* (hereinafter referred to as “Eisenhower”) in view of U.S. Patent no. 7,043,532 to Humpleman (“Humpleman”); claims 4 and 8 under 35 U.S.C. §103(a) as allegedly being unpatentably obvious over Eisenhower in view of Humpleman and further in view of U.S. Patent no. 6,851,089 to Erickson *et al.* (“Erickson”); and claim 5 under 35 U.S.C. §103(a) as allegedly being unpatentably obvious over Eisenhower in view of Humpleman and further in view of U.S. Publication no. 2002/0099735 by Schroeder *et al.* (“Schroeder”).

**Summary of Amendments.** With this amendment, claims 1 and 2 have been canceled, new claims 19-25 have been added, and claims 3, 5-7, and 9-10 have been amended. The amendments and new claims 19-22 are fully supported by the original specification, at least at FIG. 5 and paragraphs [0047] to [0050]. New claims 23-25 are fully supported by the original specification, at least at paragraphs [0027], [0029], [0030], [0037], and [0043]. No new matter has been added with this amendment.

**Rejections under 35 U.S.C. §112, Second Paragraph**

Claim 2 stands rejected under 35 U.S.C. §112, second paragraph, because the Office alleges that the claims fail to clearly delineate the subject matter that the Inventor(s) intend to claim. This

rejection is respectfully traversed in light of the amendments shown above. Favorable action is requested.

**Rejections under 35 U.S.C §103(a)**

Claims 1-3, 6, 7, 9, and 10 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentably obvious over Eisenhower in view of Humpleman. Claims 4, 5, and 8 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentably obvious over Eisenhower in view of Humpleman and further in view of either Erickson or Schroeder. These rejection are respectfully traversed in light of the amendments presented above and the arguments detailed below.

For a proper rejection under 35 U.S.C. §103(a), the Office “bears the initial burden of factually supporting any *prima facie* conclusion of obviousness” and must therefore present “a clear articulation of the reason(s) why the claimed invention would have been obvious.” MPEP §2142. An obviousness rejection “cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” MPEP §2141 quoting *KSR International Co. v. Teleflex Inc.*, 82 USPQ2d 1386, 1385 (2007). This rationale must include a showing that all of the claimed elements were known in the prior art and that one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, to produce a combination yielding nothing more than predictable results to one of ordinary skill in the art. *KSR*, 82 USPQ2d at 1395. MPEP §2141.02 further notes that “a prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention. *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 851 (1984). No viable combination of the prior art of record in this matter satisfies this burden with regards to the currently pending claims, at least because the cited references fail, either alone or in combination to

disclose or fairly suggest all of the recited elements of any of the above-presented claims; because the Eisenhower reference directly and explicitly teaches away from the instantly claimed subject matter; and because modifying Eisenhower in the manner proffered by the Office would require impermissibly changing the principle of operation of Eisenhower.

**A. THE CITED REFERENCES FAIL TO DISCLOSE OR TO FAIRLY SUGGEST ALL OF THE ELEMENTS OF THE CURRENTLY PRESENTED CLAIMS.**

The claims have been amended as shown above to more clearly recite the subject matter for which protection is sought. Each of independent claims 7, 20, and 21 recites limitations relating to wrapping, by a sending application, of a message in a markup language file envelope if the sending application has the same file format as a receiving application for the message. The markup language file envelope includes a message header in a file format used by an integration server or application integration system. The sending application polls a routing module and a mapping module on the integration server or application integration system to determine the identity of the receiving application and the file format of the receiving application.

The system described by Eisenhower employs a format server with which each communicating application registers its message format (see e.g. FIG. 4 and the description in section 3.2.2. Each application also includes a format cache or repository of format information that is indexed by format tokens. Format information is issued by a sender and cached by a receiver on a per-connection basis (see e.g. the second to last paragraph on page 9). Then, each message sent from a sender includes a format token that the receiver presents to the format server to retrieve full or complete format information that is used to decode the message at the receiver. Each and every message sent in the Eisenhower system include the format token. No determination is made by the sender of the message format used by the receiver because the system relies on a "receiver makes it right" approach in which the receiver uses the format token on a message to retrieve the

format information for the received message from the format server and to then complete locally any decoding of the message received from the sender.

The Office has proffered Humpleman as allegedly describing the wrapping of the message in an envelope. However, Humpleman does not cure the above-identified deficiencies of Eisenhower with regards to polling by the sending application of the routing and mapping modules on an integration server or application integration system to make the determination of the receiving application identity and file format or with regards to the sending application using this information to either wrap the message in a markup language file envelope or convert the message to a file format used by the integration server or application integration system.

None of the other cited references cure these deficiencies, so no *prima facie* case exists for the obviousness of the currently presented claims.

**B. EISENHAUER TEACHES AWAY FROM THE CLAIMED SUBJECT MATTER.**

Furthermore, even assuming *arguendo* that portions of the proffered combination of Eisenhower and Humpleman can be properly characterized as disclosing or fairly suggesting all of the elements of the currently pending claims, any combination including at least Eisenhower cannot be relied upon in presenting a valid *prima facie* case for unpatentable obviousness of the pending claims because Eisenhower directly and explicitly teaches away from the instantly claimed subject matter at numerous points throughout the article.

At lines 26-29 of page 2, Eisenhower clearly states that received data (at the receiver) is used directly from the message buffer when the sender and receiver use the same native data representation (file format). This clearly contradicts the instantly claimed element of wrapping the message in a markup language file envelope that the receiving application must unwrap before accessing the message. Additionally, claims 7 and 22 explicitly include the sending application

converting the message to the file format of the integration server or application integration system if the sending and receiving applications have different message formats, which Eisenhower not only fails to disclose but from which also explicitly teaches away. All conversion of file formats in Eisenhower occurs at the receiver, not the sender.

Thus, Eisenhower cannot properly be used in presenting an alleged *prima facie* case for the alleged obviousness of the instantly claimed subject matter.

**C. MODIFICATION OF EISENHAUER TO FORM THE COMBINATION PROFFERED BY THE OFFICE WOULD REQUIRE AN IMPERMISSIBLE CHANGE IN THE PRINCIPLE OF OPERATION OF EISENHAUER.**

Modification of Eisenhower in the manner asserted by the Office to create the instantly claimed subject matter would require an impermissible change in the principle of operation of this reference. Per MPEP §2143.01: “if the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious.” *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959).

Eisenhower directly contradicts the instantly claimed subject matter in that the sender never inquires or otherwise determines the file format used by the receiving application. Instead, upon opening a connection between the sender and the receiver, the sender forwards information regarding its own file format so that the receiver can access the format server to determine how to properly decode the message upon receipt. The Eisenhower system explicitly relies on the receiver to decode a message sent from a sender when the sender has a different file format than the receiver. Changing this message handling approach to of the currently claimed subject matter, in which the sender is responsible for determining whether the receiving application uses the same file

format or a different file format, would require an impermissible change in the principle of operation of Eisenhower.

Thus, Eisenhower cannot properly be asserted as part of a *prima facie* case for the alleged obviousness of any of the currently claimed subject matter.

**CONCLUSION**

On the basis of the foregoing amendments, the pending claims are in condition for allowance. It is believed that all of the pending claims have been addressed in this paper. However, failure to address a specific rejection, issue or comment, does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above are not intended to be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper.

Applicant is concurrently filing herewith a Petition for a two-month extension of time and Request for Continued Examination with the requisite fee, authorization for a credit card payment of the filing fee is submitted herewith. No additional fees are believed to be due, however the Commissioner is authorized to charge any additional fees or credit overpayments to Deposit Account No. 50-0311, reference No. 34874-062/2003P00267US. If there are any questions regarding this reply, the Examiner is encouraged to contact the undersigned at the telephone number provided below.

Respectfully submitted,

Date: September 8, 2009

  
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